REMARKS

New claims 23 and 24 reinstate the limitations of old claims 3 and 8, which were previously combined with the independent claims, but whose limitations are otherwise now cancelled.

The other new claims recite additional patentable distinctions over the references.

Rejection of claim 15 under 35 USC §112 ¶1

The language "wherein the header indicates both the packet data and the speech data being in a single dual mode channel" is rejected as not supported in the specification. This rejection is respectfully traversed.

The specification at p. 6, ll. 10-12 states "If required, the header may indicate which part of each individual time segment has been allocated to the speech data and which part has been allocated to the packet data." Applicant respectfully submits that this language supports the recitation. Lines 28 et seq. also state that "the present invention enables a particular time slot to be allocated to more than one data stream. In the case of an up-link channel, this enables different types of data provided by a mobile station ... to be transmitted to the base station over a single allocated channel." Applicant respectfully submits that this language further supports the recitation.

New claim 27 is similar to claim 15, relates to a receiving method as well, but is somewhat re-worded to be more similar to the other claims.

Art rejections: Claim 15

Claim 15 recites, inter alia, that the header indicates both the packet data and the speech data being in a single dual mode channel. In rejecting claim 15, the Examiner fails to indicate where this limitation is allegedly taught or suggested in the reference. The Examiner only purports to find that the header indicates which frames contain packet data and which frames contain speech data in Fig. 3 of the reference. The Examiner apparently ignores the newly added limitation because of the rejection under 35 USC §112 ¶1. Applicant respectfully submits that this is improper, leaving the rejection deficient on its face and not in compliance with 37 CFR 1.104 (c) (ii).

Art rejections: claims 12 & 13

Claim twelve recites allocating at least first, second, and third types of data to a single output data stream.

The Examiner rejects this limitation as obvious without support in the reference(s). Applicant respectfully submits that this is improper. The finding of obviousness is supposed to come from the teachings of the reference not from the Examiner.

Art rejections: claims 1 & 7

The Feldman reference appears to have been added related to a limitation which no longer appears in claims 1 & 7. Applicant respectfully submits that the rejection is therefore incorrect.

Claims 16-17

The Examiner alleges that these claims are taught in prior art standards documents; however, the Examiner fails to make these standards documents of record, so Applicant is unable to verify the allegations. Applicant respectfully submits that this is improper. If the Examiner intends to persist in this rejection he is respectfully requested to make specific documents of record and indicate the pages that allegedly show the limitations of these claims.

Other art rejections

With respect to the other art rejections, the independent claims have been narrowed to clarify that the real- and non-real-time data appear in a single time slot. Applicant respectfully submits that this amendment overcomes the rejection. Reconsideration is respectfully requested.

The Examiner's other rejections and/or points of argument not addressed would appear to be moot in view of the foregoing. Nevertheless, Applicant reserves the right to respond to those rejections and arguments and to advance additional arguments at a later date. No arguments are waived and none of the Examiner's statements are conceded.

Please charge any fees other than the issue fee to deposit account 14-1270. Please credit any overpayments to the same account.

Respectfully submitted,

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